

Jan 02, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 2:17-CR-00209-SMJ

Plaintiff,

**ORDER GRANTING MOTION TO
WITHDRAW PLEA OF GUILTY**

v.

JUAN VAZQUEZ GONZALEZ,

Defendant.

Before the Court is Defendant's Motion to Withdraw Guilty Plea, ECF No. 62. Defendant requests leave to withdraw his guilty plea pursuant to Federal Rule of Criminal Procedure 11(d)(2)(B). *Id.* The Government does not oppose the motion. *Id.* While the parties spent significant time and effort negotiating this matter, the resulting plea agreement—the one the Court deferred accepting—does not adequately capture the parties' intent to give the Court full discretion in sentencing. *Id.* Accordingly, the parties drafted a new plea agreement and Defendant seeks to withdraw his guilty plea. Having reviewed the file in this matter, the Court is fully informed and finds that Defendant has shown a "fair and just reason for requesting the withdrawal." See Fed. R. Crim. P. 11(d)(2)(B).

Accordingly, IT IS HEREBY ORDERED:

1. Defendant's Motion to Withdraw Guilty Plea, **ECF No. 62**, is **GRANTED**.
 2. The Clerk's Office shall **VACATE** the Order Accepting Guilty Plea and Deferring Acceptance of the Plea Agreement, **ECF No. 58**, and the Order Regarding Schedule for Sentencing, **ECF No. 59**.
 3. The Clerk's Office is **DIRECTED** to **STRIKE** the sentencing hearing on **January 22, 2019** and **SET** a change of plea hearing on the same date at **10:15 AM**. Following the change of plea hearing, a new Order Regarding Schedule for Sentencing shall follow.
 4. The Government shall file the Information Superseding Indictment and Penalty Slip in a timely manner.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and

provide copies to all counsel and the U.S. Probation Office.

DATED this 2nd day of January 2019.

SALVADOR MENDEZ JR.
SALVADOR MENDEZ JR.
United States District Judge